

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/603,523	HOWORKA ET AL.	
	Examiner	Art Unit	
	Stefano Karmis	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 03 November 2005.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---|---|

Art Unit: 3624

### **ALLOWANCE**

1. Claims 1-22 are pending in the present application.

### ***Response to Arguments***

2. Applicant's arguments, see Remarks (pages 11-13) filed on 03 November 2005, with respect to claims 1-22 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph Ragusa (Reg. No., 38,586) on 02 October 2006.

The application has been amended as follows:

Amend claim 13 as follows:

Line 11 delete "some" and add —one—

### ***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

The instant invention defines a computer trading system for trading fungible instruments. The computer trading system comprises a communication network, order input devices and broker nodes in communication with one another. The closest prior art, Silverman et al. U.S. Patent 6,260,025 teaches a computer trading system for trading fungible instruments comprising: a communication network for distributing electronic messages (column 4, lines 23-50); a plurality of order input devices connected to the communications network each for generating electronic order messages (column 4, lines 59 thru column 5, line 5); and a plurality of Broker nodes connected to the communications network, each Broker node arranged to provide market views, prescreened for credit, to trader terminals (column 6, lines 14-29), each Broker node comprising: a store of orders available for trading in the system; means for deriving a market view from the store of orders (column 8, lines 12-26); means for providing a market view from the store of orders (column 8, lines 12-26); means for providing the market view to at least one of the plurality of trader terminal (column 8, lines 12-62).

However, the prior art of record fails to teach a computer trading system for trading fungible instruments, comprising: a plurality of Broker nodes connected to the communications network, each Broker node arranged to perform a brokering function including matching orders and providing market views, prescreened for credit, to trader terminals, each Broker node comprising: means for deriving a market view from the store of orders; means for providing a market view from the store of orders; means for providing the market view to at least one of the plurality of trader terminals; and a matching facility for matching compatible orders submitted by the plurality of order input devices as discussed in pages 8-10 of the specification and page 13

Art Unit: 3624

of the amended specification (06 August 2002). These elements in combination with all of the other elements of the claims are not taught or fairly suggested in the prior art of record. For this reason claim 1 is deemed allowable over the prior art. Claims 7, 13, 19 and 20 are substantially similar to claim 1 and are allowed following the same reasoning. Claims 2-6, 8-12, 14-18, 21 and 22 are allowed for their dependency.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted

Stefano Karmis

02 October 2006



**HANI M. KAZIMI**  
**PRIMARY EXAMINER**